

# COMMON COUNCIL MEETING MINUTES

MONDAY, JUNE 4, 2007 – 6:00 P.M.

COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Mayor James Brainard, Council President Joseph C. Griffiths, Richard L. Sharp, Kevin Kirby, Ronald E. Carter, Fredrick J. Glaser, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Councilor Brian D. Mayo was not in attendance.

Mayor Brainard opened the meeting at 6:04 p.m.

Father Anastasios Gounaris, Holy Trinity Greek Orthodox Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

There were none.

## **APPROVAL OF MINUTES:**

Councilor Sharp made a motion to approve the Minutes of the May 21, 2007 Regular Meeting. Councilor Carter seconded. There was no Council discussion. Council President Griffiths called for the question. The Minutes were approved 5-0.

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

*Roberta Simmons, 4306 E. 131<sup>st</sup> Street, Carmel, IN spoke in favor of Ordinance Z-503-07 (Cobblestone Commons).*

Councilor Kirby entered the Council Chamber at 6:08 p.m.

*Henry Winckler, 411 Jenny Lane, Carmel, IN addressed Council regarding Z-503-07 (Cobblestone Commons), rumor of a possible development ( hotel) at 111<sup>th</sup> & College, the monon trail set-back, trees at City Center, D-1846-07 (Ethics Ordinance) and the proposed Fishers redevelopment project.*

*Dan Logan, 10 Forest Bay Lane, Cicero, IN, representing the Carmel Clay Historical Society, spoke in opposition to Ordinance Z-503-07 (Cobblestone Commons).*

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2 **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**  
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4 Mayor Brainard addressed Mr. Winckler's concerns regarding the Monon trail set-backs, the lack of trees  
5 at City Center, and the rumor of a possible development (hotel) at 111<sup>th</sup> & College.  
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7 Councilor Carter addressed Mr. Logan and asked for clarification regarding the Carmel City Historical  
8 Society.  
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10 **ACTION ON MAYORAL VETOES:**  
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12 There were none.  
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14 **CLAIMS:**  
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16 Councilor Kirby made a motion to approve the Claims in the amount of \$1,753,266.00. Councilor Sharp  
17 seconded. There was no Council discussion. Council President Griffiths called for the question. Claims  
18 were approved 6-0.  
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20 **COMMITTEE REPORTS:**  
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22 Councilor Kirby reported that the Finance, Administration and Rules Committee had not met.  
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24 Councilor Sharp reported that the Land Use, Annexation and Economic Development Committee met and  
25 considered Ordinance Z-503-07 with commitments submitted by the developer. There was a  
26 recommendation to send this ordinance to the full Council with the proposed commitments. The  
27 recommendation failed 1-2. A second motion was made to send this ordinance to the full Council without  
28 a recommendation. The motion carried 3-0. The committee also considered Ordinance Z-505-07. The  
29 committee requested a commitment from the petitioner. Ordinance Z-505-07 was forwarded to the full  
30 Council. Councilor Sharp informed the Council that in a memo dated June 4, 2007, attorney for the  
31 developer had asked the Council to consider that this ordinance be tabled.  
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33 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting  
34 will be held on Tuesday, June 12, 2007 at 3:00 p.m.  
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36 Councilor Glaser reported that the Utilities, Transportation and Public Safety Committee had not met.  
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38 **OLD BUSINESS**  
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40 **Fifth Reading of Ordinance D-1846-07:** An Ordinance of the Common Council of the City of Carmel,  
41 Indiana, Establishing a Code of Ethics for Carmel Officers and Employees, Amending Chapter 2, Article  
42 5, Adding Section 2-184 of the Carmel City Code; Sponsor(s): Councilor(s) Glaser and Rattermann. This  
43 item remains in the Finance, Administration and Rules Committee (6/18/07). Councilor Sharp addressed  
44 the Council and reminded the Council that the City Attorney, Doug Haney, was to provide the Finance,  
45 Administration and Rules Committee with a draft that would incorporate all the changes and/or problems  
46 that were found.  
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**Third Reading of Ordinance Z-503-07;** An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Cobblestone Commons Planned Unit Development District. Councilor Sharp addressed the Council regarding the proposed old and new commitments from the developer. Council President Griffiths referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98<sup>th</sup> Street, Indianapolis, IN 46280, for clarification. There was brief Council discussion. Councilor Kirby made a motion to approve Ordinance Z-503-07 contingent upon recordation of the commitments received by the Council on June 4, 2007. Councilor Rattermann seconded. There was extensive Council discussion. Council President Griffiths called for the question. **Ordinance Z-503-07** was adopted 4-2 (Councilors Carter and Sharp opposed).

## **PUBLIC HEARINGS**

Council President Griffiths announced the **Second Reading of Ordinance Z-505-07;** An Ordinance of the Common Council of the City of Carmel, Indiana, To Rezone Property from OM/SU and S2 within the US 31 Overlay to B6 within the US 31 Overlay (1328 – 1440 West Main Street). Councilor Kirby addressed the Council concerning a letter that was received from the petitioner asking for this ordinance to be tabled. Councilor Kirby referred to Joseph Scimia, Attorney, Baker & Daniels, 600 E. 96<sup>th</sup> Street, Indianapolis, Indiana 46240, for clarification. There was brief Council discussion. Councilor Sharp made a motion to table Ordinance Z-505-07 until the next Council meeting scheduled for Monday, June 18, 2007. Councilor Carter seconded. The question was not called on the motion. Council President Griffiths opened the Public Hearing at 6:51 p.m. Seeing no one who wished to speak, Council President Griffiths closed the Public Hearing at 6:51:30 p.m. Councilor Sharp made a motion to table Ordinance Z-505-07 until the next Council meeting scheduled for Monday, June 18, 2007. Councilor Carter seconded. There was no Council discussion. Council President Griffiths called for the question. Ordinance Z-505-07 was tabled until June 18, 2007.

## **NEW BUSINESS**

Council President Griffiths announced the **First Reading of Ordinance D-1851-07;** An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of Ordinances of the City of Carmel, Indiana (First Quarter 2007). Councilor Glaser presented this item to Council. Councilor Sharp made a motion to move this item into business. Councilor Rattermann seconded. Councilor Glaser made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Sharp seconded. There was no Council discussion. Council President Griffiths called for the question. The motion was approved 6-0. There was no Council discussion. Council President Griffiths called for the question. **Ordinance D-1851-07** was adopted 6-0.

Council President Griffiths announced the **First Reading of Ordinance D-1852-07;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 9, Section 8-120 of the Carmel City Code Establishing Certain Stop Intersections (Meeting House Road/Rhettsberry Street). Councilor Sharp made a motion to move this item into business. Councilor Kirby seconded. Councilor Sharp presented this item to Council. There was no Council discussion. Councilor Sharp made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Rattermann seconded. There was brief Council discussion. Council President Griffiths called for the question. The motion was approved 6-0. There was no Council discussion. Council President Griffiths called for the question. **Ordinance D-1852-07** was adopted 6-0.

1 **OTHER BUSINESS**

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- 3 a. Property Abatements/Compliance with Statement of Benefits. Councilor Sharp reported
- 4 that this item was discussed at the Land Use, Annexation and Economic Development
- 5 Committee. The Committee decided that letters would be sent to the companies that are
- 6 not in compliance.
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- 8 1. Allete Automotive Services
- 9 2. Dealer Services Corporation
- 10 3. MCP Partners Two, LLC
- 11 4. Midwest Independent Transmission System Operator (MISO)
- 12 5. Oak Street Operations, LLC
- 13 6. Oxford BioSignals
- 14 7. PHT Investment Holdings, LLC (SB-1 filed under CIHS Newco, LLC – MOB) –
- 15 Letter sent
- 16 8. St. Vincent Heart Center (SB-1 filed under CIHS Newco, LLC – Heart Hospital)
- 17 9. Seven Corners, Inc. (SB-1 filed under 303 Group, LLC – SRI)
- 18 10. Zotec Solutions, Inc.
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20 **ANNOUNCEMENTS**

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22 There were none.

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24 **EXECUTION OF DOCUMENTS**

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26 **ADJOURNMENT**

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28 Mayor Brainard adjourned the meeting at 6:58 p.m.

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31 Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

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Mayor James Brainard

42 ATTEST:

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Clerk-Treasurer Diana L. Cordray, IAMC

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